



Admas University



Faculty Of Social Science

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Shift : morning

Class : DSA

Presentation of international law

Sovereignty and jurisdiction

Group Four (4)

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Sovereignty

Sovereignty is Derived from Latin through the French “souverainete ”
it is an attainment and retention in both

Chinese and western culture has traditionally been associated with
certain moral imperatives upon any claimant

The concept of sovereignty has been discussed throughout history from
the time before recorded history through to the present day.

The current notion of state sovereignty contains four aspects consisting of territory , population , authority, and recognition .

According to Stephen D. Krasner the term could also be understood into four different ways .

- Domestic Sovereignty : actual control of state exercised by an authority organising within this state
- Independence sovereignty : actual control of Movement across State Borders assuming the borders exist
- international Legal sovereignty : formal recognition by other sovereign state
- Westphalian sovereignty : lack of other authority over state than domestic authority

What is Sovereignty ?

- Sovereignty is understood in jurisprudence as the full right and power of a governing body to govern itself without any interference from outside sources or bodies.

Self Determination Can be divided into two

Internal determination : is the right of the people of a state to govern themselves without interference .

External determination : is the right of the peoples to determine their own political states and to free of alien domination including formation of their own independent state

How ever independence is not only possible outcome of an exercise of self determination.

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In international law the rate of self-determination that become recognized in the 1960s was interpreted as the right of all colonial territories to become independent or to adopt any other status they freely choose.

Early mentions of the collective security : is one of the promising approaches for peace and valuable device for power management on an international scale.

Cardinal Richelieu proposed a scheme for collective security in 1629 which was partially reflected in 1648 peace of Westphalia .

In eighteenth century many proposals were made for collective security arrangement especially in Europe .

Collective security can be understood as a security arrangement and political , regional or global in which each state in the system accepts that the security of one is the concern of all, and therefore commits to a collect response to threats to , and brings into peace .

Jurisdiction

Jurisdiction from Latin ius,iuris meaning “ law ” and dicere meaning “ to speak ” .

Is the practical authority to interpret and apply the law or to govern and legislate .

It is granted to a formally constituted legal body such as court or to political leader .

It grants to authority to deal with and make pronouncements on legal matters and by implication to administered justice .

Jurisdiction has defined areas of responsibility e.g.

Michigan tax law.

Bases For Existence Of jurisdiction

There are different types of bases existence of jurisdiction

Territorial Jurisdiction : is the court's power to bind the parties to the action .

This law determines the scope of federal and state court power .

Also this term is used for an area that government has authority over

Territorial Jurisdiction has two aspects

Subjective: Sovereign is recognised as having the power to adopt criminal laws that apply to crimes that are physically

Nationality Jurisdiction

Nationality Jurisdiction has the effect of allowing a sovereign to adopt laws that make it a crime for its nationals to engage in conduct that is not illegal in the place where the conduct is performed .

Example

Under this principle a sovereign could make it a crime for its nationals to gamble.

Protective Jurisdiction

International law reflects and accepts the reality that states will act to punish and committed beyond their borders which they regard as pre judicial to their security .

Regardless Of the nationality of the perpetrators it is called protective principle that legitimates .

Passive Personality Jurisdiction

Allows that jurisdiction over foreigner committing acts beyond the territory of the asserting state , where their acts have an effect upon the national territory but upon the subject of that state

Universal Jurisdiction

Universal Jurisdiction is a legal doctrine which permits domestic courts to try and punish perpetrators of some crimes so heinous that they amount to crimes against the whole of humanity,